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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 UNITED STATES OF AMERICA, ) NO. CR13-5308BHS  
11 )  
12 Plaintiff, )  
13 v. ) ORDER  
14 ) Re: GOVERNMENT'S  
15 RAY EUGENE CALDWELL and ) MOTION IN LIMINE  
16 ALL OUT SEWER AND DRAIN )  
17 SERVICE, INC., )  
18 Defendants. )

18 The United States has moved in limine to exclude evidence and argument that (1) the  
19 Defendant did not know the legal requirements of the Clean Water Act; (2) the Defendant had a  
20 good faith belief that he was complying with the law; (3) there was insufficient actual  
21 environmental harm; and (4) the discharge was *de minimis*.

22 The Court, having received and reviewed the motion and arguments included therein,  
23 makes the following ruling:

24 IT IS ORDERED that the Defendants are prohibited from introducing any evidence or  
25 arguing that (1) the Defendant did not know the legal requirements of the Clean Water Act; (2)  
26 the Defendant had a good faith belief that he was complying with the law; (3) there was  
27 insufficient actual environmental harm; and (4) the discharge was *de minimis*.

1 Such evidence is not relevant to any of the elements the government must prove at trial,  
2 or defenses that could be raised, and would lead to undue delay and confusion. This order does  
3 not preclude the defense from raising a mistake-of-fact defense.

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5 DATED this 22<sup>nd</sup> day of August, 2013.  
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BENJAMIN H. SETTLE  
United States District Judge

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15 Presented by:

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